

MISSOURI COURT OF APPEALS WESTERN DISTRICT

PAUL A. HINSHAW,

Respondent,

v.

M-C-M PROPERTIES, LLC, et al.,

Appellant.

DOCKET NUMBER WD76919

Date: December 9, 2014

Appeal from:
Boone County Circuit Court
The Honorable Mary (Jodie) C. Asel, Judge

Appellate Judges:
Division One: Mark D. Pfeiffer, Presiding Judge, Lisa White Hardwick and Karen King Mitchell, Judges

Attorneys:
Michael R. Whitworth, Columbia, MO, for appellant.
Garrett S. Taylor, Columbia, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

PAUL A. HINSHAW

Respondent,

v.

M-C-M PROPERTIES, LLC, et al.,

Appellant.

WD76919

Boone County

Before Division One: Mark D. Pfeiffer, Presiding Judge, Lisa White Hardwick and Karen King Mitchell, Judges

M-C-M Properties, LLC appeals the circuit court's interpretation of a deed that grants Paul Hinshaw a sewer easement “together with the right of ingress and egress” over M-C-M's property. M-C-M contends the circuit court incorrectly interpreted the deed as establishing a right of general ingress and egress over M-C-M's entire property. Instead, M-C-M argues the language of the deed creates only limited rights of ingress and egress related to the primary sewer easement.

REVERSED AND REMANDED.

Division One holds: The unambiguous language of the deed indicates the intent to convey two related easements. The deed established a primary sewer easement and a secondary easement for ingress and egress that is limited in its scope and purpose to servicing the primary sewer easement. Thus, the circuit court erred in concluding that the ingress and egress easement permitted general access over M-C-M's property. Further, because the secondary easement's location is spatially limited to

the location of the primary easement, the circuit court erred in failing to fix the location of the primary and secondary easements. The judgment is reversed, and the cause is remanded for further proceedings to specify the location of the easements.

Opinion by: Lisa White Hardwick, Judge

December 9, 2014

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